THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 6332 of 2007

Date:29-03-2007

Between:

V.Maheshwari **PETITIONER**

AND

The Superintendent of Police,Kurnool and three others

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RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondents 1 to 4 in not considering the complaint-dated 12.02.2007 for handing over the investigation to the C.B.C.I.D., Kurnool as illegal and arbitrary.

2. It is the case of the petitioner that her son Y.V.Mahesh Lal was declared dead as per F.I.R.No.17/2007, dated 10.02.2007 registered by the 3rd respondent, as per the complaint received from Patel Jaya Simha Reddy who is the alleged eyewitness and inmate of the hostel. Accordingly, a case was registered for the offence punishable under Section 302 I.P.C. against one Boya Madhu.

3. It is stated that the son of the petitioner was studying Senior Intermediate in K.N.R. College, Kurnool by residing in the hostel. On 10.02.2007 the petitioner received telephone call from the college authorities informing her that her son was admitted in the Government General Hospital, Kurnool.

4. The petitioner apprehends that the management of the college is involved in causing the murder of her son. It is further alleged that they have facilitated the accused to murder the son of the petitioner and therefore, the petitioner made a representation before the Collector & District Magistrate, Kurnool-4th respondent on 12.02.2007 wherein an endorsement was made to examine, enquire and take action. The petitioner also made another representation before the second respondent-Circle Inspector of Police on 11.02.2007. But, the respondents are not proceeding with the enquiry to find out the truth or otherwise of the matter.

5. I am of the opinion that whenever petitioner gives any clue of involvement of any other person, it is the duty of the police to investigate into the matter to find out the truth based on the information received by them. If the police do not proceed with the said written representation, it is always open for the petitioner to file a private complaint before the concerned Magistrate, even though the police are investigating the crime. Whenever such a complaint has been filed,

the concerned Magistrate has to call for the report on the police report and after receiving police report, he has to proceed with the cases both on private complaint as well as the police report.

6. Having regard to the facts of the case, the writ petition is disposed of directing the 3rd respondent to investigate into the matter keeping in view the representations received from the petitioner which were forwarded by the respondents 2 and 4.

No costs.

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V.ESWARAIAH, J.

Date:29.03.2007
CCM